United Nations S/AC.44/2004/(02)/3/Add.1

Security Council

Distr.: General
4 October 2005

Original: English

Security Council Committee established pursuant to resolution 1540

Note verbale dated 19 September 2005 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Committee

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's note verbale dated 18 July 2005, has the honour to transmit herewith the second report of the Government of the United Kingdom of Great Britain and Northern Ireland, in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

05-55037 (E) 311005

Annex to the note verbale dated 19 September 2005 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Second report of the United Kingdom of Great Britain and Northern Ireland on the implementation of Security Council resolution 1540 (2004)

The United Kingdom thanks the United Nations 1540 Committee for their letter and accompanying matrix, and in response is pleased to present its second national report. This report is intended to provide the Committee with additional clarification, where requested, regarding the UK's national legal framework and enforcement provisions, augmenting the information provided in its first report in September 2004. As such, an amended matrix suggesting how measures contained herein may relate to the UN experts' framework is attached as an appendix.

The United Kingdom remains a firm advocate of UNSCR 1540, and believes that it represents an essential element of the global counter-proliferation and counter-terrorism regime. We are working hard in our national capacity to strengthen further our legislative and practical systems to ensure they meet the highest international standards; and more widely, seeking to assist other States in implementing their obligations under the Resolution. For example, the UK will co-host with the Government of Argentina a regional seminar in Buenos Aires from September 26-28, aimed at assisting those Latin American and Caribbean States who have not yet submitted a report to the 1540 Committee in doing so. We will continue to consider requests and opportunities to provide assistance as outlined in the Resolution, and would like to take this opportunity to place ourselves once more at the Committee's disposal in this regard.

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

Conventions, Treaties and Arrangements

To provide further detail regarding relevant entries in the Committee's matrix, the United Kingdom signed the Protocol for the Prohibition of the use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare on 17 June 1925 and ratified it on 9 April 1930. It signed the Biological Weapons Convention on 10 April 1972 and deposited its instrument of ratification on 26 March 1975. The UK signed the Chemical Weapons Convention on 13 January 1993 and deposited its instrument of ratification on 13 May 1996. It deposited its instrument of ratification for the Nuclear Non-Proliferation Treaty on 1 July

1968 and is one of the three Depository Governments for the Treaty. As one of the original Member States of the IAEA, the UK ratified its membership in July 1957. The UK was also one of the initial signatories to the International Code of Conduct Against Ballistic Missile Proliferation, which was launched in The Hague in November 2002.

The UK signed the Convention on the Physical Protection of Nuclear Materials (CPPNM) on 13 June 1980 and deposited its instrument of ratification on 6 September 1991. The Convention is implemented nationally through the Nuclear Materials (Offences) Act 1983. Furthermore, the UK fully supports the Amendment to the CPPNM agreed at a diplomatic conference in Vienna held between 4-8 July 2005. We believe this represents a significant strengthening of the global nuclear security regime, and are proceeding with relevant national preparations so that the Amendment is ratified and enters into force at the earliest opportunity. We are moreover working both in our national capacity and within the European Union to assist those Member States who require help in implementing the Amendment, and continue to urge those States not yet party to the Convention and its Amendment to do so at their earliest opportunity.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them

Biological Weapons

In addition to those areas set out in the UK's first report, the Biological Weapons Act (BWA) 1974 Section 1 prohibits the development, production, stockpiling, acquisition and retention (possession) of biological weapons (BW) and their means of delivery; further, through amendment under the Anti-terrorism, Crime and Security Act (ATCSA) 2001 Section 43, it also prohibits the transfer and brokering of biological weapons. The above offences apply to acts done outside the United Kingdom, if they are done by a United Kingdom national or body incorporated under UK law. The maximum penalty for these offences is life imprisonment. The use of biological weapons is further prohibited under the ATCSA Section 113.

It is an offence under the Accessories and Abettors Act 1861 to aid, abet, procure or counsel a prohibited activity under the BWA. It is also an offence under the ATCSA for anyone to aid, abet, procure, counsel or incite a non-UK national to commit an offence under section 1, BWA outside the UK. Assistance, including financial assistance, may amount to aiding, abetting, procuring or counselling or inciting.

Chemical Weapons

The Chemical Weapons Act (CWA), which entered into force on 16 September 1996, prohibits the production (including manufacture), acquisition, possession (including stockpiling and storage), development, transfer, use and intention to use of chemical weapons and their means of delivery. It also prohibits engaging in military preparations or preparations of a military nature, intending to use a chemical weapon. The maximum penalty for an offence under this act is life imprisonment.

It is an offence under the Accessories and Abettors Act 1861 to aid, abet, procure or counsel a prohibited activity under the CWA. It is also an offence under the ATCSA for anyone to aid, abet, procure, counsel or incite a non-UK national to commit an offence under section 2, CWA outside the UK. Assistance, including financial assistance, may amount to aiding, abetting, procuring, counselling or inciting.

Nuclear Weapons

The ATSCA provides the national legal framework prohibiting the production, acquisition, possession (including stockpiling and storage), development, transfer or use of nuclear weapons, or participating in the development or production of a nuclear weapon. It is an offence under the Accessories and Abettors Act 1861 to aid, abet, procure or counsel a prohibited activity under the ATCSA. It is also an offence under the ATCSA for anyone to aid, abet, procure, counsel or incite a non-UK national to commit an offence under section 47, ATCSA outside the UK. Financial assistance is included in both definitions. For the purpose of this Act, "nuclear weapons" include nuclear explosive devices that are not intended for use as a weapon. A person found guilty of an offence is liable on conviction on indictment to imprisonment for life.

Transport of Biological, Chemical and Nuclear Weapons and Related Material

Offences under the BWA, CWA and ATCSA apply regardless of whether some form of transport is involved in committing the offence. Although the involvement of transport may constitute part of the facts of a case, it is usually irrelevant in making up the elements of an offence.

It is, for example, an offence under the BWA, section 1 to retain biological weapons as defined in the BWA section 1 (1) (b), whether or not they are stored in a lorry or a warehouse. The key elements of the offence are the retention of such weapons as defined in section 1 (1) (b); the lorry is not an element of the offence, although it forms part of the facts. Similarly, under the CWA, if a subject were found to have chemical weapons in their possession, the key elements of the offence would be their physical control of those weapons, and knowledge that the weapons were in their custody and control. In respect of ATCSA there are no specific transport offences although transport may often be involved in the commission of an offence.

The CWA creates offences of wilful obstruction or attempted wilful obstruction of a person entering or searching vehicles, vessels, aircraft and hovercraft. Otherwise there are no specific transport offences, although transport may often be involved in the commission of an offence under the Act, particularly if it is an offence involving the transfer of a chemical weapon.

Operative Paragraph 3 (a) and (b)

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport

(b) Develop and maintain appropriate effective physical protection measures

It is important to emphasise that the production, use, and storage of biological and chemical weapons under any circumstances are strictly prohibited under UK law. Therefore, measures to account for such activities are necessarily limited to the subset of related or dual-purpose materials, as detailed in the UK's initial report. The illegality, for example, of the possession of biological weapons in the form of munitions renders a method to account for their storage or transport as nugatory.

Biological Weapons and related materials

The UK's first report to the Committee detailed various health and safety, and animal and plant health/import legislation relevant to the accounting of biological materials. The Biological and Toxin Weapons Convention, and consequently associated domestic legislation do not specify 'schedules' of biological agents that could constitute biological weapons. Rather, any biological agents could be considered a weapon if they are 'of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes'.

The Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002 regulation 24A enables information to be withheld from the public register of GM premises and activities, in the interests of national security. The Genetically Modified Organisms (Contained Use) Regulations 2000 as amended (GMO(CU)) require all premises handling GM biological agents to be registered with the Health and Safety Executive (HSE) – regulation 9. GMO(CU) regulation 11 requires notification to and consent from HSE to work with medium & high risk GM micro-organisms. Under the Control of Substances Hazardous to Health Regulations 2002 (as amended), regulation 7(10) Schedule 3 paragraph 5 requires

notification to HSE of Hazard Groups 2, 3 and 4 biological agents (i.e. non GM agents) before use for first time.

Section 59 of the ATCSA 2001 requires the occupier of any premises to inform the Home Office (HO) before any biological agent or toxin on Schedule 5 of the Act is kept or used there, and to likewise inform the HO if this ceases to be the case.

Under the UK dangerous goods regulations, couriers have to be notified in advance of transfers of Category A pathogens, and records of these transfers must be kept for at least 4 years. Furthermore, the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH) regulation 7(10) Schedule 3 paragraph 6 requires notification (to HSE) of consignments of Hazard Group 4 biological agents.

Finally, the Transboundary Movements of Genetically Modified Organisms Regulation 1946/2003 includes requirements relating to medium and high risk genetically modified micro-organisms in containment and their entering or leaving of the EU.

Since the BWA prohibits any production or possession of the means of delivery for biological weapons, measures to account for, secure, or physically protect such artefacts are not necessary in the United Kingdom.

Chemical Weapons

Under the CWA strict controls are applied to ensure that the chemicals listed in Schedule 1 of the Chemical Weapons Convention (CWC) are only used for certain permitted purposes. These are pharmaceutical, research and medical purposes and purposes related to protection against toxic chemicals. Licences are only issued for these activities. Any facility which produces, possesses (definition includes storage) or uses Schedule 1 chemicals must be licensed. The licenses are issued for one year and may be renewed. The licence conditions require licence holders to keep their production, use and stocks of Schedule 1 chemicals within certain overall quantitative limits. Licence holders are required to keep records of the production, stocks and use of any Schedule 1 chemicals on their site. These records are open to inspection by the UK's CWC National Authority, which is part of the Department of Trade and Industry.

In addition the CWA enables the UK's National Authority to obtain certain information regarding the chemicals listed in Schedule 2 and 3 of the CWC. A reporting system is in place to ensure all relevant facilities provide the information needed to enable the UK to meet its obligations under the CWC. Through the information provided, the National Authority is able to account for the production, use and storage of Schedule 2 and 3 chemicals in the UK.

As with biological weapons, since the CWA prohibits any production or possession of the means of delivery for chemical weapons, measures to account for, secure, or physically protect such artefacts are not appropriate.

Legacy Munitions Awaiting Destruction

All stocks of old chemical weapons awaiting destruction are accounted for, secured and physically protected at a single Ministry of Defence site, Dstl Porton Down. The UK submits regular reports to the Organisation for the Prohibition of Chemical Weapons (OPCW) on those old chemical weapons which have been destroyed and those awaiting destruction. The OPCW regularly inspects the old chemical weapons stocks at Dstl Porton Down.

Nuclear Weapons

Euratom Treaty Chapter VII Safeguards and Commission Regulation (Euratom) No. 302/2005 provide the national legal framework for the accounting of production, use and storage of civil nuclear materials. The Nuclear Materials (Offences) Act (1983) and the Atomic Energy Act (1946) establish civil/criminal penalties for offences in this area. The Nuclear Safeguards and Electricity (Finance) Act (1978) provides similar enforcement for Safeguards agreements with the IAEA (INFCIRC/263 and UK INFCIRC/263.Add.1).

A comprehensive legal framework is in place for civil nuclear security regulation, including the issue of technical guidance, regular inspections and security exercises. The Nuclear Industries Security Regulations 2003 make provision for the protection of nuclear material (during production, use and storage on sites and during transport) against the risks of theft and sabotage, and for the protection of sensitive nuclear information, such as site security arrangements. The Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004 make it an offence to make an unauthorised disclosure of uranium enrichment technology.

The Office for Civil Nuclear Security (OCNS), which is part of the Department of Trade and Industry, is the national security regulatory authority for the UK's civil nuclear industry. It is responsible for approving security arrangements within the industry and enforcing compliance with the Regulations. OCNS also undertakes vetting to establish the reliability of nuclear industry personnel with access to sensitive nuclear material or information. Criminal penalties for non-compliance are contained in the Nuclear Industries Security Regulations 2003 - these regulations have been made under the ATCSA (2001).

In the UK, civil nuclear operators must have approved site security plans dealing with the security arrangements for the protection of nuclear sites and nuclear material on such sites. The arrangements cover, for example, physical protection features such as fencing, CCTV and turnstile access, the roles of security guards and officers of the Civil Nuclear Constabulary (CNC), the protection of proliferation-sensitive data and technologies and the trustworthiness (reliability) of the individuals with access to them. Transporters of sensitive

nuclear material have to be similarly approved by OCNS, and must have approved transport plans for each movement. The CNC is a specialised armed force whose role is the protection of civil nuclear sites and nuclear materials on designated UK nuclear licensed sites and in transit. It has over 650 police officers and staff.

Physical security at Ministry of Defence (MOD) sites is governed by administrative procedure Joint Service Publication 440. Facilities at the Atomic Weapons Establishment for handling nuclear materials are covered by the Nuclear Installations Act of 1966, and enforced by the Nuclear Installations Inspectorate (NII). NII are authorised to issue enforcement notices and fine offenders. Transport and storage containers are approved to International Regulations and often approved by the Department for Transport (DfT), and transport regimes are designed to meet these regulations. MOD procedures are designed to be at least as good as International Legislation whenever possible.

To implement the UN Convention for the Suppression of Acts of Nuclear Terrorism, which the UK signed on 14 September 2005, the UK government will be making relevant provision in the Terrorism Bill, which will be put before Parliament in the autumn. The Bill creates offences relating to the making and possession of radioactive devices and the possession radioactive materials for the purposes of terrorism. The Bill also creates offences relating to the use of radioactive materials, radioactive devices, or nuclear facilities for the purposes of terrorism. The sentence for both groups of offences will attract a maximum sentence on conviction on indictment of life imprisonment.

The Bill also creates a new offence that is committed if a person demands that another individual supplies him with a radioactive device or radioactive material, or demands access to a nuclear facility. The Bill also creates an offence of threatening to use any such material, devices or nuclear facilities. The sentence for both offences will attract a maximum sentence on conviction on indictment of life imprisonment.

Physical protection and transport

Physical protection of facilities and materials where biological or chemical dual-use sensitivities exist is overseen by the National Counter Terrorism and Security Office (NACTSO). The security of such materials by road and rail in Great Britain, along with other dangerous goods, is regulated by the DfT through security regulations included in the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 as amended. These regulations were put in place on 22 July 2005 and lay down requirements pertaining to people, procedures and assets. Nuclear material is not covered by such security regulations but is regulated by the Department of Trade and Industry. Similar requirements apply for aviation and maritime, which are included in the International Civil Aviation Organisation's Technical Instructions for the Safe Transport of Dangerous Goods by Air and the International Maritime Dangerous Goods Code respectively.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international co-operation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law

(d) Establish, develop, review and maintain appropriate effective national export and transhipment controls over such items, including appropriate laws and regulations to control export, transit, transhipment and re-export and controls on providing funds and services related to such export and transhipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Border Controls

A number of government departments and agencies, including the Defence Science and Technology Department (Dstl) may be called upon on an ad hoc basis to provide assistance in the form of technical advice on WMD and related materials in support of HM Customs activity, including in relation to border controls.

Export Licensing

Export licences are required if the items exported or transferred are for a "relevant use" in WMD. Relevant use is defined in the Export Control Act 2002 as "use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or, dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons".

Licences are only issued where the application is consistent with the Consolidated EU and National Criteria, which appropriately incorporate relevant UK international commitments. In most cases where a licence is issued, this is in the form of an individual licence. General licences (OGELs) prohibit the transfer of any items with a "relevant use".

The *UK does not control "deemed exports" per se, but the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 made under the Export Control Act 2002 covers: (i) the transfer, by any means, of technology which is or may be intended for use outside the European Community (EC) in connection with WMD or a related missile programme; and (ii) the provision of technical assistance to a person or place outside the EC in connection with WMD or a related missile programme. These controls apply to anyone in the UK or a UK person anywhere in the world if they are communicating such technology or providing technical assistance to a person or place outside the EC.*

In all the above cases, re-exported items are treated in the same manner as those export goods originating in the UK.

The EU Commission has competence on exports of dual-use goods from the Community. The legal basis for controlling the movement of dual-use goods from the Community is Council Regulation (EC) No.1334/2000, as amended, which is directly applicable in all EU Member States. However, the Regulation does not contain provisions for licensing, enforcement and penalties these are implemented by each EU MS at a national level. In the UK this is via the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003.

The penalties for anyone convicted of an offence under the provisions of the Export of Goods, Transfer of Technology or Provision of Technical Assistance (Control) Order 2003 range from a fine to a maximum of 10 years imprisonment.

The *UK national statutory Licensing Authority is the Export Control Organisation (ECO), part of the Department of Trade and Industry. The ECO also provides the interagency review for licences, and takes advice from all other Departments with an interest in licence applications, as such operating on an inter-agency basis.*

The *WMD end use control or "WMD catch-all" applies to all exports or transfers for a "relevant use" in WMD. Relevant use is defined in the Export Control Act 2002 as* "use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or, dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons".

The *UK has the powers to control the transhipment of controlled goods and, in respect of WMD, non-controlled goods through the UK. However, it takes a targeted approach to transhipment controls whereby most are either subject to a conditional exception as set out in legislation or are covered by the Open General Transhipment Licence (OGTL). However, neither the exceptions nor the OGTL cover transhipments of items where the exporter has been informed by a competent authority of the Member State where he is established, is aware, or suspects, that they are or may be intended, in their entirety or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons, or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons. In these circumstances, an individual transhipment licence is required (and would only be issued if consistent with the Consolidated Criteria).*

Operative Paragraph 6

Recognises the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists

in addition to those lists detailed in the UK's first report to the Committee, the list of pathogens and toxins in Schedule 5 of the Anti-Terrorism Crime and Security Act is used by HSE, for national security purposes, as a tool for sifting its public register (of GM premises and activities) to exclude the whereabouts and activity details of those same pathogens and toxins from the public domain.

Operative Paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons

Export Controls Assistance

The United Kingdom has made significant progress in its bilateral export control Outreach programme in recent years. Our work has broadened from inward and outward visits to providing more focused advice and practical training in the implementation of export controls. This includes offering guidance and training on legal/regulatory matters and offering assistance in the drafting of export control legislation.

The UK works in co-ordination with other countries, and the EU, to ensure that work is not duplicated, and that the best, most appropriate advice is offered to partner States. We participate in key multilateral export control co-ordination events, and work with the multilateral export control regimes (NSG, MTCR, HCOC, Australia Group and Wassenaar Arrangement) in supporting their outreach activities and in encouraging non-members to adopt the export controls of their regime.

Additional information on the UK's policies against the proliferation of nuclear, chemical or biological weapons, related material, and their means of delivery, can be found at www.fco.gov.uk/internationalsecurity

Annex

Amended Matrix

The amended matrix below offers some suggestions for how material contained within this second report might relate to the UN 1540 Committee experts' framework. This additional information is in bold print. For certain matrix entries, where the information requested did not seem to fit the categories of legal framework or enforcement, information was provided in the first column, and the second shaded grey.

This annex is intended to be a useful point of reference during the Committee's consideration of the UK's national report. It is not intended in any way to replace or second-guess the work of the Committee's experts.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: **29 September 2004**

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD			
2	General statement on commitment to disarmament and non-proliferation	X	European Council Strategy to prevent Proliferation of WMD, fully compliant with commitments under key multilateral non-proliferation treaties and disarmament conventions	pages 3 and 15 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Wide range of legislative measures in place to prevent the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, including by non-State actors; does not provide any form of support to non-State actors	pages 2 and 6 of the report
4	Biological Weapons Convention (BWC)	X	**Signatory since 10 April 1972; deposit of instrument of ratification on 26 March 1975**	pages 4 and 16 of the report
5	Chemical Weapons Convention (CWC)	X	**Signatory since 13 January 1993; deposit of instrument of ratification on 13 May 1996**	page 4 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	**Deposit of instrument of ratification on 01 July 1968**	page 4 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Deposit of instrument of ratification on 06 April 1998	http://disarmament.un.org:8080/TreatyStatus.nsf
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	**Signatory since 13 June 1980; entered into force 6 October 1991**	page 10 of the report
9	Hague Code of Conduct (HCOC)	X	**Signatory since 25 November 2002**	page 4 of the report
10	Geneva Protocol of 1925	X	Deposit of instrument of ratification on 09 April 1930	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	**Ratified membership in July 1957**	pages 13 and 16 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)	X	1. Treaty of Tlatelolco 2. Treaty of Rarotonga 3. Treaty of Pelindaba	http://disarmament.un.org:8080/TreatyStatus.nsf

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13 Other Conventions/Treaties	X	EURATOM Treaty	page 7 of the report
14 Other Arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Australia Group (AG) 3. Missile Technology Control Regime (MTCR) 4. Zangger Committee (ZC) 5. Wassenaar Arrangement (WA) 6. Proliferation Security Initiative (PSI)	pages 4, 13 and 18
15 Other	X	EU model non-proliferation clause to be included in future EU-third country mixed agreements	page 3 of the report

OP 2 - Biological Weapons (BW)

State: United Kingdom of Great Britain and Northern Ireland

Date of Report: 29 September 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	**Biological Weapons Act (1974)**	X	**Biological Weapons Act (1974)**	
2 acquire	X	**Biological Weapons Act (1974)**	X	**Biological Weapons Act (1974)**	
3 possess	X	Biological Weapons Act (1974)	X	Biological Weapons Act (1974)	page 6 of the report
4 stockpile/store	X	**Biological Weapons Act (1974)**	X	**Biological Weapons Act (1974)**	
5 develop	X	Biological Weapons Act (1974)	X	Biological Weapons Act (1974)	page 6 of the report
6 transport	X	**1. Biological Weapons Act (1974) 2. Anti-terrorism, Crime and Security Act (2001)**	X	**1. Biological Weapons Act (1974) 2. Anti-terrorism, Crime and Security Act (2001)**	***see transport section, page 3 of second report***
7 transfer	X	**1. Biological Weapons Act (1974) 2. Anti-terrorism, Crime and Security Act (2001) Section 43**	X	**1. Biological Weapons Act (1974) 2. Anti-terrorism, Crime and Security Act (2001) Section 43**	
8 use	X	**Anti-terrorism, Crime and Security Act (2001) Section 113**	X	Anti-terrorism, Crime and Security Act (2001) Section 113	page 6 of the report

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9	participate as an accomplice in a.m. activities	X	**1. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the BWA** **2. Biological Weapons Act (1974)** **3.Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only**	X	**1. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the BWA** **2. Biological Weapons Act (1974)** **3.Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only**	page 7 of the report
10	assist in a.m. activities	X	1. Biological Weapons Act (1974) 2. Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only 3. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the BWA	X	1. Biological Weapons Act (1974) 2. Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only 3. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the BWA	pages 6 and 7 of the report
11	finance a.m. activities	X	**1. Biological Weapons Act (1974)** **2. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the BWA**	X	**1. Biological Weapons Act (1974)** **2. Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only**	
12	a.m. activities related to means of delivery	X	Biological Weapons Act (1974)	X	Biological Weapons Act (1974)	page 6 of the report
13	involvement of non-State actors in a.m. activities	X	Biological Weapons Act (1974)	X	Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability	page 6 of the report
14	Other	X	Biological Weapons Act (1974) extraterritorial applicability	X	Anti-terrorism, Crime and Security Act (2001): threaten to use	pages 6 and 7 of the report

OP 2 - Chemical Weapons (CW)

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: 29 September 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	**Chemical Weapons Act (1996)**	X	**Chemical Weapons Act (1996)**	
2 acquire	X	**Chemical Weapons Act (1996)**	X	**Chemical Weapons Act (1996)**	
3 possess	X	Chemical Weapons Act (1996)	X	Chemical Weapons Act (1996)	page 6 of the report
4 stockpile/store	X	**Chemical Weapons Act (1996)**	X	**Chemical Weapons Act (1996)**	
5 develop	X	Chemical Weapons Act (1996)	X	Chemical Weapons Act (1996)	page 6 of the report
6 transport	X	**1. Chemical Weapons Act (1996) 2. Anti-terrorism, Crime and Security Act (2001)**	X	**1. Chemical Weapons Act (1996) 2. Anti-terrorism, Crime and Security Act (2001)**	*see transport section, page 3 of second report*
7 transfer	X	**Chemical Weapons Act (1996)**	X	**Chemical Weapons Act (1996)**	
8 use	X	Chemical Weapons Act (1996)	X	Chemical Weapons Act (1996)	page 6 of the report
9 participate as an accomplice in a m activities	X	**1. Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only 2. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the CWA**	X	1. Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only 2. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the CWA	page 7 of the report

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10	assist in a.m. activities	X	**Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the CWA**	X	**1. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the CWA** **2. Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only**	pages 6 and 7 of the report
11	finance a.m. activities	X	**Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the CWA**	X	**1. Accessories and Abettors Act 1861: aid, abet, procure or counsel a prohibited activity under the CWA** **2. Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability only**	
12	a.m. activities related to means of delivery	X	Chemical Weapons Act (1996)	X	Chemical Weapons Act (1996)	page 6 of the report
13	involvement of non-State actors in a.m. activities	X	Chemical Weapons Act (1996)	X	Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability	page 6 of the report
14	Other	X	Chemical Weapons Act (1996): extraterritorial applicability	X	Anti-terrorism, Crime and Security Act (2001): threaten to use	pages 6 and 7 of the report

OP 2 - Nuclear Weapons (NW)

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: 29 September 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	**Anti-terrorism, Crime and Security Act (2001)**	X	**Anti-terrorism, Crime and Security Act (2001)**	
2 acquire	X	**Anti-terrorism, Crime and Security Act (2001)**	X	**Anti-terrorism, Crime and Security Act (2001)**	
3 possess	X	**Anti-terrorism, Crime and Security Act (2001)**	X	Anti-terrorism, Crime and Security Act (2001)	page 7 of the report
4 stockpile/store	X	**Anti-terrorism, Crime and Security Act (2001)**	X	**Anti-terrorism, Crime and Security Act (2001)**	
5 develop	X	**Anti-terrorism, Crime and Security Act (2001)**	X	Anti-terrorism, Crime and Security Act (2001)	page 7 of the report
6 transport	X	**under the Anti-terrorism, Crime and Security Act (2001) there are no specific transport offences although transport may often be involved in the commission of an offence**	X	**under the Anti-terrorism, Crime and Security Act (2001) there are no specific transport offences although transport may often be involved in the commission of an offence**	***see transport section, page 3 of second report***
7 transfer	X	**Anti-terrorism, Crime and Security Act (2001)**	X	**Anti-terrorism, Crime and Security Act (2001)**	
8 use	X	**Anti-terrorism, Crime and Security Act (2001)**	X	Anti-terrorism, Crime and Security Act (2001)	page 7 of the report
9 participate as an accomplice in a m activities	X	**1. Accessories and Abettors Act 1861: aid, bet, procure or counsel a prohibited activity under the ATCSA** **2. Anti-terrorism, Crime and Security Act (2001)**	X	**1. Accessories and Abettors Act 1861: aid, bet, procure or counsel a prohibited activity under the ATCSA** **2. Anti-terrorism, Crime and Security Act (2001)**	page 7 of the report

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10	assist in a.m. activities	X	**1. Accessories and Abettors Act 1861: aid, bet, procure or counsel a prohibited activity under the ATCSA** **2. Anti-terrorism, Crime and Security Act (2001)**	X	**1. Accessories and Abettors Act 1861: aid, bet, procure or counsel a prohibited activity under the ATCSA** **2. Anti-terrorism, Crime and Security Act (2001)**	page 7 of the report
11	finance a.m. activities	X	**1. Accessories and Abettors Act 1861: aid, bet, procure or counsel a prohibited activity under the ATCSA** **2. Anti-terrorism, Crime and Security Act (2001)**	X	**1. Accessories and Abettors Act 1861: aid, bet, procure or counsel a prohibited activity under the ATCSA** **2. Anti-terrorism, Crime and Security Act (2001)**	
12	a.m. activities related to means of delivery	X	**Anti-terrorism, Crime and Security Act (2001)**	X	**Anti-terrorism, Crime and Security Act (2001)**	
13	involvement of non-State actors in a.m. activities	X	**Anti-terrorism, Crime and Security Act (2001)**	X	**Anti-terrorism, Crime and Security Act (2001)**	page 7 of the report
14	Other	X	Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability	X	Anti-terrorism, Crime and Security Act (2001): extraterritorial applicability	page 7 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: **29 September 2004**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Measures to account for production	X	**Anti-terrorism, Crime and Security Act (2001): Section 59 - notify**	X	**Anti-terrorism, Crime and Security Act (2001): Section 59 - notify**	
2 Measures to account for use	X	**Home Office of holding/use of any**	X	**Home Office of holding/use of any**	
3 Measures to account for storage	X	**Schedule 5 biological agent or toxin**	X	**Schedule 5 biological agent or toxin**	
4 Measures to account for transport	X	**Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004**	X	Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004	
5 Other measures for accounting					
6 Measures to secure production	X		X	Anti-terrorism, Crime and Security Act (2001): notify police of holding of specified disease-causing micro-organisms and toxins and to comply with security requirements imposed by authorities	pages 8 and 10 of the report
7 Measures to secure use	X	Directive 2000/54/EC	X		
8 Measures to secure storage	X		X		
9 Measures to secure transport	X	1. Regulation 24 of the Carriage of Dangerous Goods by Road Regulations (1996) as amended 2. Code of Practice for the security of dangerous goods by road	X	Party to ADR and RID agreements	pages 9 and 10 of the report page 10 of the EU report
10 Other measures for securing	X	**Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002 regulation 24A**	X	**Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002 regulation 24A**	

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11	Regulations for physical protection of facilities/materials/ transports	X	**Overseen by the National Counter Terrorism and Security Office**	X	**Overseen by the National Counter Terrorism and Security Office**	
12	Licensing/registration of facilities/persons handling biological materials	X	1. European Commission Directive on Biological agents 2000/54/EC 2. Control of Substances Hazardous to Health (COSHH) regulations 3. Genetically Modified Organisms (Contained Use) Regulations (2000) 4. Specified Animal Pathogens Order (1998) SAPO 5. Plant Health (Great Britain) Order (1933) 6. European Commission Directive 95/44/EC			pages 8 and 9 of the report
13	Reliability check of personnel	X	Anti-terrorism, Crime and Security Act (2001): furnish police on request with details of persons with access to specified dangerous substances	X	Home Secretary to direct that named individuals must not be allowed access	page 10 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	***Prohibited under BWA***	X	***Prohibited under BWA***	
15	Regulations for genetic engineering work	X	1. Genetically Modified Organisms (Contained Use) Regulations (2000) 2. Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002	X	1. Genetically Modified Organisms (Contained Use) Regulations (2000) 2. Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002	page 9 of the report
16	Other legislation/ regulations related to safety and security of biological materials	X	**1. Control of substances Hazardous to Health Regulations 2002 (as amended) regulation 7(10) Schedule 3 para.6** **2. Transboundary Movements of Genetically Modified Organisms Regulation 1946/2003**	X	**1. Control of substances Hazardous to Health Regulations 2002 (as amended) regulation 7(10) Schedule 3 para.6** **2. Transboundary Movements of Genetically Modified Organisms Regulation 1946/2003**	
17	Other	X	From 01 July 2005 a comprehensive set of transport security measures will become mandatory			page 9 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: **29 September 2004**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1.Regulatory system to ensure that Schedule 1 ceilings are met; reporting system for chemicals listed in CWC Schedules 2. *CWC National Authority inspects and maintains accounts for production, use and storage of all Schedule 1,2 and 3 chemicals in UK*	X	**Chemical Weapons Act (1996)**	
2 Measures to account for use	X		X	**Chemical Weapons Act (1996)**	page 8 of the report
3 Measures to account for storage	X		X	**Chemical Weapons Act (1996)**	
4 Measures to account for transport	X	**Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004**	X	**Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004**	
5 Other measures for accounting					
6 Measures to secure production	X	Directive 98/24/EC	X	Anti-terrorism, Crime and Security Act (2001): notify police of holding of specified toxins and to comply with security requirements imposed by authorities	page 10 of the EU report
7 Measures to secure use	X		X		page 10 of the report
8 Measures to secure storage	X		X		
9 Measures to secure transport	X	1 Regulation 24 of the Carriage of Dangerous Goods by Road Regulations (1996) as amended 2 Code of Practice for the security of dangerous goods by road	X	Party to ADR and RID agreements	pages 9 and 10 of the report page 10 of the EU report
10 Other measures for securing					

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11	Regulations for physical protection of facilities/materials/ transports	X	**Overseen by the National Counter Terrorism and Security Office**	X	**Overseen by the National Counter Terrorism and Security Office**	
12	Licensing of chemical installations/entities/use of materials	X	Licensing of Schedule 1 chemicals, CWC National Authority inspects and maintains accounts			page 8 of the report
13	Reliability check of personnel	X	Anti-terrorism, Crime and Security Act (2001): furnish police on request with details of persons with access to specified dangerous substances			page 10 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	***Prohibited under CWA***	X	***Prohibited under CWA***	
15	National CWC authority	X	Department of Trade and Industry (DTI)	X	Appropriate procedures to be in place to ensure the chemicals will be used and disposed of in accordance with UK regulations	page 6 of the report
16	Reporting Schedule I, II and III chemicals to OPCW	X	DTI transmits to OPCW			page 8 of the report
17	Account for, secure or physically protect old chemical weapons	X	**Accounted for, secured and physically protected at MOD, Dstl Porton Down**	X	**OPCW - carries out regular inspections**	
18	Other legislation/ regulations controlling chemical materials					
19	Other	X	From 01 July 2005 a comprehensive set of transport security measures will become mandatory			page 9 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: 29 September 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	**1. Euratom Treaty Chapter VII Safeguards 2. Commission Regulation (Euratom) No. 302/2005**	X	**1. Nuclear Material (Offences) Act (1983) 2. Atomic Energy Act, 1946**	page 8 of the report
2 Measures to account for use	X		X		
3 Measures to account for storage	X		X		
4 Measures to account for transport	X	**Transporters and transport plans must be approved by OCNS**	X	**Protection by Civil Nuclear Constabulary (CNC)**	
5 Other measures for accounting		***[Committee query now explained in report]***			Original Committee entry reads *"1. Nuclear Safeguards Act (2000) 2. Council Directives 96/29/EURATOM and 2003/122/EURATOM"*
6 Measures to secure production	X	**Nuclear Industries Security Regulations 2003**	X	**Protection by Civil Nuclear Constabulary (CNC)**	
7 Measures to secure use	X	**Nuclear Industries Security Regulations 2003**	X	**Protection by Civil Nuclear Constabulary (CNC)**	
8 Measures to secure storage	X	**Nuclear Industries Security Regulations 2003**	X	**Protection by Civil Nuclear Constabulary (CNC)**	
9 Measures to secure transport	X	1 Regulation 36 of the Radioactive Material (Road Transport) Regulations (1966) 2 Code of Practice for the security of dangerous goods by road	X	1 OCNS approved security plans required 2 Protection by Civil Nuclear Constabulary	pages 9 and 10 of the report
10 Other measures for securing			X	**Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004**	

11	Regulations for physical protection of facilities/materials/ transports	X	Nuclear Industries Security Regulations (2003)	X	1. Nuclear Material (Offences) Act (1983) 2. Enforcement by Office for Civil Nuclear Security (OCNS)	page 10 of the report
12	Licensing of nuclear installations/entities/use of materials	X	Directive 96/29/EURATOM: prior authorisation			page 8 of the EU report
13	Reliability check of personnel	X	**OCNS carries out vetting**	X	**Nuclear Industries Security Regulations 2003**	
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority	X	**Office for Civil Nuclear Security (OCNS)**	X	**Nuclear Industries Security Regulations 2003**	
16	IAEA Safeguards Agreements	X	1.Safeguards Agreement (IAEA and Euratom) INFCIRC/263 2. UK Additional Protocol INFCIRC/263.Add.1 in force 30 April 2004	X	**Nuclear Safeguards and Electricity (Finance) Act, 1978**	page 8 of the report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG			http://www-ns.iaea.org/downloads/rw/meetings/code-conduct-signatories.pdf
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme			http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	**Nuclear Materials (Offences) Act 1983**	X	**Nuclear Materials (Offences) Act 1983**	
21	Other	X	1. Uranium Enrichment Technology (Prohibition on Disclosure) Regulations (2004) 2. From 01 July 2005 a comprehensive set of transport security measures will become mandatory			pages 7 and 9 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: **29 September 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Customs and Excise Management Act (1979) 2. European Community Customs Code (EC/2913/92) 3 Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code) 4. Finance Act (1994)	X	1. Customs and Excise Management Act (1979): penalties 2. HMCE	pages 3 and 11 of the report page 12 of the EU report
2 Technical support of border control measures	X	**1. Defence Science and Technology Laboratory (Dstl) provides assistance in conjunction with Other Governmental Departments and Agencies** **2. Ratings advice provided by DTI Technical Assessment Unit**	X	**1. Defence Science and Technology Laboratory (Dstl) provides assistance in conjunction with Other Governmental Departments and Agencies** **2. Ratings advice provided by DTI Technical Assessment Unit**	
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Trade in Goods (Control) Order (2003)	X	Trade in Goods (Control) Order (2003)	page 12 of the report
4 Enforcement agencies/authorities	X	Customs and Excise Management Act (1979)	X	Customs officers, police, coastguard, armed forces, Restricted Enforcement Unit (REU)	pages 3 and 11 of the report
5 Export control legislation in place	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	page 12 of the report

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6 Licensing provisions	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	
7 Individual licensing	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	
8 General licensing	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	
9 Exceptions from licensing	X	European Council Regulation 1504/2004 Community General Export Authorisation			page 14 of the EU report
10 Licensing of deemed export/visa	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003**	X	**Export Control Act (2002)**	
11 National licensing authority	X	**Export Control Organisation, DTI**			page 3 of the report
12 Interagency review for licenses	X	**Export Control Organisation, DTI**			pages 2 of the report
13 Control lists	X	Legislation enables to control items listed by MTCR, NSG, ZC, AG and WA			page 12 of the report
14 Updating of lists	X	Regularly updates lists			page 13 of the report
15 Inclusion of technologies	X	1 Export Control Act (2002) 2 Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)			page 12 of the report
16 Inclusion of means of delivery	X	Export Control Act (2002) long-range missiles			page 12 of the report
17 End-user controls	X	**Export Control Act 2002**	X	**Export Control Act 2002**	

18	Catch all clause	X	**Export Control Act 2002**	X	**Export Control Act 2002 - Where activity creates an export prohibition, breach can be enforced**	
19	Intangible transfers	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	X	**1. Export Control Act (2002)** **2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	page 12 of the report
20	Transit control	X	**Customs and Excise Management Act (1979)**	X	Customs and Excise Management Act (1979)	page 11 of the report
21	Trans-shipment control	X	**1. Open General Transshipment Licence (OGTL)** **2. Individual Transshipment Licence (if consistent with Consolidated Criteria)**	X	**1. Open General Transshipment Licence (OGTL)** **2. Individual Transshipment Licence (if consistent with Consolidated Criteria)**	
22	Re-export control	X	**No distinction between export and re-export goods**	X	**No distinction between export and re-export goods**	
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	1. Importation of Animal Pathogens Order IAPO (1980) 2. Plant Health (Great Britain) Order (1993)	X	Customs and Excise Management Act (1979)	pages 9 and 11 of the report
26	Extraterritorial applicability	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003) 3. Trade in Goods (Control) Order (2003)	X	**1. Export Control Act (2002)** **2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)** **3. Trade in Goods (Control) Order (2003)**	page 12 of the report
27	Other			X	Council Regulation No. 1334/2000 binds Member States to consult each other	page 15 of the EU report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: **29 September 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Customs and Excise Management Act (1979) 2. European Community Customs Code (EC/2913/92) 3. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code) 4. Finance Act (1994)	X	1. Customs and Excise Management Act (1979): penalties 2. HMCE	pages 3 and 11 of the report page 12 of the EU report
2 Technical support of border control measures	X	**Ratings advice provided by DTI Technical Assessment Unit**	X	**Ratings advice provided by DTI Technical Assessment Unit**	
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Trade in Goods (Control) Order (2003)	X	Trade in Goods (Control) Order (2003)	page 12 of the report
4 Enforcement agencies/authorities	X	Customs and Excise Management Act (1979)	X	Customs officers, police, coastguard, armed forces, Restricted	pages 3 and 11 of the report
5 Export control legislation in place	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	page 12 of the report
6 Licensing provisions	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	

7 Individual licensing	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	
8 General licensing	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	
9 Exceptions from licensing	X	European Council Regulation 1504/2004: Community General Export Authorisation			page 14 of the EU report
10 Licensing of deemed export/visa	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003**	X	**Export Control Act (2002)**	
11 National licensing authority	X	**Export Control Organisation, DTI**			page 3 of the report
12 Interagency review for licenses	X	**Export Control Organisation, DTI**			pages 2 of the report
13 Control lists	X	Legislation enables to control items listed by MTCR, NSG, ZC, AG and WA			page 12 of the report
14 Updating of lists	X	Regularly updates lists			page 13 of the report
15 Inclusion of technologies	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)			page 12 of the report
16 Inclusion of means of delivery	X	Export Control Act (2002): long-range missiles			page 12 of the report
17 End-user controls	X	**Export Control Act 2002**	X	**Export Control Act 2002**	
18 Catch all clause	X	**Export Control Act 2002**	X	**Export Control Act 2002**	
19 Intangible transfers	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	page 12 of the report

20	Transit control	X	**Customs and Excise Management Act (1979)**	X	Customs and Excise Management Act (1979)	page 11 of the report
21	Trans-shipment control	X	**1. Open General Transshipment Licence (OGTL)** **2. Individual Transshipment Licence (if consistent with Consolidated Criteria)**	X	**1. Open General Transshipment Licence (OGTL)** **2. Individual Transshipment Licence (if consistent with Consolidated Criteria)**	
22	Re-export control	X	**No distinction between export and re-export goods**	X	**No distinction between export and re-export goods**	
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	Import of Schedule I chemicals requires licence	X	Customs and Excise Management Act (1979)	pages 8 and 11 of the report
26	Extraterritorial applicability	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003) 3. Trade in Goods (Control) Order (2003)	X	**1. Export Control Act (2002)** **2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)** **3. Trade in Goods (Control) Order (2003)**	page 12 of the report
27	Other			X	Council Regulation No. 1334/2000 binds Member States to consult each other	page 15 of the EU report

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: **29 September 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Customs and Excise Management Act (1979) 2. European Community Customs Code (EC/2913/92) 3. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code) 4. Finance Act (1994)	X	1. Customs and Excise Management Act (1979): penalties 2. HMCE	pages 3 and 11 of the report page 12 of the EU report
2 Technical support of border control measures	X	**Ratings advice provided by DTI Technical Assessment Unit**	X	**Ratings advice provided by DTI Technical Assessment Unit**	
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Trade in Goods (Control) Order (2003)	X	Trade in Goods (Control) Order (2003)	page 12 of the report
4 Enforcement agencies/authorities	X	Customs and Excise Management Act (1979)	X	Customs officers, police, coastguard, armed forces, Restricted	pages 3 and 11 of the report
5 Export control legislation in place	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	page 12 of the report
6 Licensing provisions	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	

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7 Individual licensing	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	
8 General licensing	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003); Trade in Goods (Control) Order (2003)**	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	
9 Exceptions from licensing	X	European Council Regulation 1504/2004. Community General Export Authorisation			page 14 of the EU report
10 Licensing of deemed export/visa	X	**Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003**	X	**Export Control Act (2002)**	
11 National licensing authority	X	**Export Control Organisation, DTI**			page 3 of the report
12 Interagency review for licenses	X	**Export Control Organisation, DTI**			pages 2 of the report
13 Control lists	X	Legislation enables to control items listed by MTCR, NSG, ZC, AG and WA			page 12 of the report
14 Updating of lists	X	Regularly updates lists			page 13 of the report
15 Inclusion of technologies	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)			page 12 of the report
16 Inclusion of means of delivery	X	Export Control Act (2002): long-range missiles			page 12 of the report
17 End-user controls	X	**Export Control Act 2002**	X	**Export Control Act 2002**	
18 Catch all clause	X	**Export Control Act 2002**	X	**Export Control Act 2002**	
19 Intangible transfers	X	1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)	X	**1. Export Control Act (2002) 2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)**	page 12 of the report

20 Transit control	X	**Customs and Excise Management Act (1979)** **1. Open General Transshipment Licence (OGTL)**	X	Customs and Excise Management Act (1979) **1. Open General Transshipment Licence (OGTL)**	page 11 of the report
21 Trans-shipment control	X	**2. Individual Transshipment Licence (if consistent with Consolidated Criteria)**	X	**2. Individual Transshipment Licence (if consistent with Consolidated Criteria)**	
22 Re-export control	X	**No distinction between export and re-export goods**	X	**No distinction between export and re-export goods**	
23 Control of providing funds					
24 Control of providing transport services					
25 Control of importation	X	**Customs and Excise Management Act (1979)** 1. Export Control Act (2002)	X	Customs and Excise Management Act (1979) **1. Export Control Act (2002)**	page 11 of the report
26 Extraterritorial applicability	X	2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003) 3. Trade in Goods (Control) Order (2003)	X	**2. Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003)** **3. Trade in Goods (Control) Order (2003)**	page 12 of the report
27 Other	X	Uranium Enrichment Technology (Prohibition on Disclosure) Regulations (2004)	X	Council Regulation No. 1334/2000 binds Member States to consult each other	page 7 of the report page 15 of the EU report

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OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **United Kingdom of Great Britain and Northern Ireland**

Date of Report: **29 September 2004**

Can information be provided on the following issues ?	YES		Remarks
1 Control lists - items (goods/ equipment/materials/technologies)	X	Member of NSG, AG, MTCR, ZC and WA and maintains and regularly updates detailed national export control lists	page 13 of the report
2 Control lists - other	X	**List of pathogens and toxins in Schedule 5 of the Anti-Terrorism Crime and Security Act**	
3 Assistance offered	X	UK is willing to provide assistance as appropriate in response to specific requests from States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of SCR 1540	page 14 of the report
4 Assistance requested			
5 Assistance in place (bilateral/plurilateral/multilateral)	X	**Bilateral/multilateral and EU work continuing, aimed at providing guidance and technical advice export control implementation and co-ordination.**	
6 Information for industry	X	Close working relationship with industry through an ongoing series of industry-government seminars and workshops and through establishing joint task forces and committees, some 20 seminars on the Export Control Act, a programme of regional seminars continues, Export Control Advisory Committee with representatives from Trade Associations and the Government Export Control Community has been set up to discuss areas of concern. Government also provides advice and assistance to industry and academia in meeting their obligations under various disarmament and non-proliferation legislation	pages 16 and 17 of the report
7 Information for the public	X	Relevant information is disseminated through government web sites, publications and leaflets	page 17 of the report